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10/643,417

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Philip Issa

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

10/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/643,417

Applicant(s)

ISSA ET AL.

Examiner

JOHNNA R. LOFTIS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a final office action upon examination of application number 10/643,417. Claims 1-17 have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments filed with respect to previous rejections under 35 USC 112 have been fully considered but they are not persuasive. Although Applicant points out that the requirements management system, the process modeling tools and the tactical project planning and management tools were available, Examiner asserts that as written in the specification, Applicant was not "gathering" information from these sources, as claimed, at the time the application was filed. As disclosed in the spec, the system "links in" data from multiple sources. Since the Applicant discloses that they will "link in" to the requirements management system, the process modeling tools and the tactical project planning and management tools, in the future, Examiner uphold rejections under 35 USC 112, that the Applicants were not gathering information from these sources at the time of the invention.
3. Examiner is withdrawing previous rejection under 35 USC 112, regarding gathering information from a human resources data system and a billing system.
4. Further, previous rejections under 35 USC 112, 2nd paragraph, of claims 3, 6, 7, 9 and 11 are withdrawn.
5. Applicant argues that the combination of Knudson and Swanke does not teach
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a project team

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leader) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues Swanke does not teach informing at least one individual that the next phase can begin. Examiner respectfully disagrees. Swanke teaches notifying individuals to start tasks as the prerequisite tasks are complete, i.e., as the as one task ends, another begins. In terms of a project with several tasks, when one task must be complete prior to another starting (as taught by Swanke), this mirrors the progression of a project from one phase to the next. Previous rejections are upheld.

7. Further, Applicant argues the references do not teach determining a start date and an end date for the next phase in the project development and automatically updating a schedule with the start date and end date. These arguments are moot since this is a new claim limitation. Examiner has modified previous rejections to address these newly added limitations.

8. Applicant's arguments with respect to claims 8 and 13 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues claim as newly amended. Please refer to comments above. Examiner has modified rejections to address new limitations.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 2 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are directed to a requirements management system, a process modeling tool and a tactical project planning and management tool. It is not clear based on the specification, page 15, lines 1-7, that the Applicant has possession of the claimed invention including the five systems recited above. As disclosed in the specification, these features may be added in the future. Further, the claims are directed to a human resources data system, a billing system. These features were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 3, 6, 7, 9, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant to be included and not included in the claim. Does applicant intend for all limitations to be included? With regard to claim 3, in claim 2, it is understood that 2 sources are chosen. Claim 3 seems to involve all sources. How does one choose all if only 2 have already been chosen? Clarification is requested. For claims 4 and 5 and 6 and 7, it seems one is chosen in claims 4 and 6, but then claims 5 and 7 include all. Same analysis for claims 9 and 11, 14 and 16. Clarification is requested.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al, US 5,765,140, in view of Swanke, US 7,212,987.

As per claim 1, Knudson et al teaches gathering project related information from different sources within the enterprise (column 3, line 20 - column 4, line 46 – the dynamic project management system includes a time entry system (TES), an automated issue management system (AIMS) and a capital budget project tracking analysis system (CBPTA) wherein data is gathered from different sources regarding personnel resource data and funding data); using the gathered information to create a plurality of reports including a portion of the project related information from a first source and a portion of the project related information from a second source (column 9, lines 29-38 – the TES is configured to prepare reports for tracking financial and project metric, project time schedules as well as funding progress); displaying, in a graphical user interface providing access to a plurality of sub-graphical user interfaces, the gathered information and the reports for assessment (column 6, lines 5-54 – interface modules for viewing project and financial information); analyzing the displayed information and reports to monitor the progress

of the project through the project development process (column 7, lines 25-47 – project managers may track and control project process).

Knudson et al teaches assigning project tasks to available employees and contractors (column 2, lines 42-55) and also teaches monitoring project progress (column 7, lines 25-47), but does not explicitly teach determining an end of phase of the project development process; notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin; determining a start date and an end date for the next phase in the project development process; and automatically updating a scheduled of the project development process with the start and end date for the next phase. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). Swanke also teaches each task is entered along with normal start and end dates as well as any tasks that may gate the start of the task and any task that may be gated by the task (column 5, lines 4-15). Swanke teaches only allowing the start of a gated task once the prerequisite task is complete, therefore the start and end dates must be updated upon the completion of a prerequisite task (column 5, lines 4-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would

have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 2, Knudson et al teaches information is gathered from a group of sources comprising: a human resources data system (column 3, lines 31-33 – personnel resource data); a billing system; a fiscal information system; a financial time reporting system (column 4, lines 8-25 – the time entry system); a knowledge/document management system; a project management system (column 4, lines 26-46 – the TES/Plan module provides interface for project management); a process modeling tool; and a tactical project planning and management tool. Knudson et al teaches gathering information from several sources, but doesn't expressly teach the specific systems and tools recited in the claim; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

As per claim 3, Knudson et al teaches information is gathered from each of a group of sources comprising: a human resources data system (column 3, lines 31-33 – personnel resource data); a billing system; a fiscal information system; a financial time reporting system (column 4, lines 8-25 – the time entry system); a knowledge/document management system; a project management system (column 4, lines 26-46 – the TES/Plan module provides interface for project management); a process modeling tool; and a tactical project planning and management tool.

Knudson et al teaches gathering information from several sources, but doesn't expressly teach the specific systems and tools recited in the claim; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

As per claim 4, Knudson et al teaches reports are selected from the actual costs of the project (column 9, lines 30-37 – funding progress); the actual time spent on a project (column 9, lines 30-37 – tracking project time scheduled progress); and quality metrics related to the actual costs and time of a project compared to the estimated costs and time (column 2, lines 56-63 – project managers can periodically track and control project progress in accordance with the previously defined time schedules and associated funding).

As per claim 5, Knudson et al teaches reports each of a group of reports comprising: the actual costs of a project (column 9, lines 30-37 – funding progress); the actual time spent on a project (column 9, lines 30-37 – tracking project time scheduled progress); and quality metrics related to the actual costs and time of a project compared to the estimated costs and time (column 2, lines 56-63 – project managers can periodically track and control project progress in accordance with the previously defined time schedules and associated funding).

As per claim 6, Knudson et al teaches monitoring of the progress is performed through interaction with a graphical user interface and are selected from a group of steps comprising:

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approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change to the scope of a project; viewing the status of a project (column 7, lines 1-6); viewing a timeline of the work done on a project (column 7, lines 1-6 – estimated time to completion); viewing a timeline of the work remaining on a project (column 7, lines 1-6 – estimated time to completion); viewing the human resources assigned to a project (column 3, lines 30-35 – personnel resource data); viewing the large-scale initiatives to which the project is related; automatically updating a schedule when project-related events occur; and calculating a score reflecting the worthiness of a project-related concept.

As per claim 7, Knudson et al teaches monitoring of the progress is performed through interaction with a graphical user interface and include each of a group of steps comprising: approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change to the scope of a project; viewing the status of a project (column 7, lines 1-6); viewing a timeline of the work done on a project (column 7, lines 1-6 – estimated time to completion); viewing a timeline of the work remaining on a project (column 7, lines 1-6 – estimated time to completion); viewing the human resources assigned to a project (column 3, lines 30-35 – personnel resource data); viewing the large-scale initiatives to which the project is related; automatically updating a schedule when project-related events occur; and calculating a score reflecting the worthiness of a project-related concept.

As per claim 8, Knudson et al teaches characterizing the type of work to be done within a project (column 6, lines 4-14 – TES/Plan interface module for creating tasks and assigning); categorizing the type of work based on the characterization (column 6, lines 4-14 – TES/Plan interface module for creating tasks and assigning); routing the work to an appropriate

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organization based on the categorization; displaying steps in the project development process in a set of computer based graphical user interfaces all of which can be accessed via one or more electronic links from a single graphical user interface (column 6, lines 4-14 – the assignments table resides in a common or master database and can be accessed by each server and lists assigned tasks for the projects); and performing actions in the project development process through interactions with the graphical user interfaces (column 6, lines 25-30 – the project file is update with the TEX/Plan module).

Knudson et al teaches assigning project tasks to available employees and contractors (column 2, lines 42-55) and also teaches monitoring project progress (column 7, lines 25-47), but does not explicitly teach determining an end of phase of the project development process; notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin; determining a start date and an end date for the next phase in the project development process; and automatically updating a scheduled of the project development process with the start and end date for the next phase. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). Swanke also teaches each task is entered along with normal start and end dates as well as any tasks that may gate the start of the task and any task that may be gated by the task (column 5, lines 4-15). Swanke teaches only

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allowing the start of a gated task once the prerequisite task is complete, therefore the start and end dates must be updated upon the completion of a prerequisite task (column 5, lines 4-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 9, Knudson et al teaches actions are selected from a group of actions comprising: approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change to the scope of a project; viewing the status of a project (column 7, lines 1-6); viewing a timeline of the work done on a project (column 7, lines 1-6 – estimated time to completion); viewing a timeline of the work remaining on a project (column 7, lines 1-6 – estimated time to completion); viewing the human resources assigned to a project (column 3, lines 30-35 – personnel resource data); viewing the large-scale initiatives to which the project is related; calculating a score reflecting the worthiness of a project-related concept; creating reports related to the project development process; and viewing the reports (column 9, lines 29-38 – the TES is configured to prepare reports for tracking financial and project metric, project time schedules as well as funding progress).

As per claim 10, Knudson et al teaches the limitations according to claim 9 above, but does not explicitly teach upon the completion of a phase within the project development process, automatically sending a message to at least one individual with responsibility for the next phase in the project development process informing the individual that the next phase can begin; and

automatically updating a schedule when project-related events occur. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 11, Knudson et al teaches approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change to the scope of a project; viewing the status of a project (column 7, lines 1-6); viewing a timeline of the work done on a project (column 7, lines 1-6 – estimated time to completion); viewing a timeline of the work remaining on a project (column 7, lines 1-6 – estimated time to completion); viewing the human resources assigned to a project (column 3, lines 30-35 – personnel resource data); viewing the large-scale initiatives to which the project is related; calculating a score reflecting the worthiness of a project-related concept; creating reports related to the project development process; and viewing the reports (column 9, lines 29-38 – the TES is configured to prepare reports for tracking financial and project metric, project time schedules as well as funding progress).

As per claim 12, Knudson et al teaches the limitations according to claim 11 above, but does not explicitly teach upon the completion of a phase within the project development process,

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automatically sending a message to at least one individual with responsibility for the next phase in the project development process informing the individual that the next phase can begin; and automatically updating a schedule when project-related events occur. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 13, Knudson et al teaches a set of computer-based graphical user interfaces all of which can be accessed, via one or more links, from a single graphical user interface, each of which displays project-related information and each of which allows actions in the management of the progress of a project to be performed through interaction with the graphical user interface (column 6, lines 4-14 – the assignments table resides in a common or master database and can be accessed by each server and lists assigned tasks for the projects; column 6, lines 25-30 – the project file is update with the TEX/Plan module).

Knudson et al teaches assigning project tasks to available employees and contractors (column 2, lines 42-55) and also teaches monitoring project progress (column 7, lines 25-47), but does not explicitly teach determining an end of phase of the project development process; notifying at least one individual with responsibility for a next phase of the project development

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process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin; determining a start date and an end date for the next phase in the project development process; and automatically updating a scheduled of the project development process with the start and end date for the next phase. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). Swanke also teaches each task is entered along with normal start and end dates as well as any tasks that may gate the start of the task and any task that may be gated by the task (column 5, lines 4-15). Swanke teaches only allowing the start of a gated task once the prerequisite task is complete, therefore the start and end dates must be updated upon the completion of a prerequisite task (column 5, lines 4-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 14, Knudson et al teaches approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change to the scope of a project; viewing the status of a project (column 7, lines 1-6); viewing a timeline of the work done on a project (column 7, lines 1-6 – estimated time to completion); viewing a

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timeline of the work remaining on a project (column 7, lines 1-6 – estimated time to completion); viewing the human resources assigned to a project (column 3, lines 30-35 – personnel resource data); viewing the large-scale initiatives to which the project is related; calculating a score reflecting the worthiness of a project-related concept; creating reports related to the project development process; and viewing the reports (column 9, lines 29-38 – the TES is configured to prepare reports for tracking financial and project metric, project time schedules as well as funding progress).

As per claim 15, Knudson et al teaches the limitations according to claim 14 above, but does not explicitly teach upon the completion of a phase within the project development process, automatically sending a message to at least one individual with responsibility for the next phase in the project development process informing the individual that the next phase can begin; and automatically updating a schedule when project-related events occur. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 16, Knudson et al teaches approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change

to the scope of a project; viewing the status of a project (column 7, lines 1-6); viewing a timeline of the work done on a project (column 7, lines 1-6 – estimated time to completion); viewing a timeline of the work remaining on a project (column 7, lines 1-6 – estimated time to completion); viewing the human resources assigned to a project (column 3, lines 30-35 – personnel resource data); viewing the large-scale initiatives to which the project is related; calculating a score reflecting the worthiness of a project-related concept; creating reports related to the project development process; and viewing the reports (column 9, lines 29-38 – the TES is configured to prepare reports for tracking financial and project metric, project time schedules as well as funding progress).

As per claim 17, Knudson et al teaches the limitations according to claim 16 above, but does not explicitly teach upon the completion of a phase within the project development process, automatically sending a message to at least one individual with responsibility for the next phase in the project development process informing the individual that the next phase can begin; and automatically updating a schedule when project-related events occur. Swanke teaches automatically notifying resources of corresponding task responsibilities and associated due dates based on the project plan; the automatic notification takes place notifying the resources of additional tasks as prerequisite tasks are completed (column 2, lines 1-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the notification that a project phase can begin in the system of Knudson et al since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/jl/

10/13/08

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624